

ASSEMBLY BILL

No. 29

Introduced by Assembly Members Coto and Garrick

March 23, 2009

An act to amend Sections 1032.5, 1329, and 1951 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as introduced, Coto. Unemployment insurance: claims: appeals.

Existing law requires the Employment Development Department, upon the filing of a new claim for benefits, to promptly make a computation on the claim that sets forth the maximum amount of benefits potentially payable during the benefit year and the weekly benefit amount, and to promptly notify the claimant and the claimant's base period employers of the computation, as specified.

This bill would also require the department to promptly notify each of the claimant's base period employers of the computation on the claim based on a determination of eligibility, as specified.

Existing law requires the manner in which disputed claims, appeals, and petitions are presented, the reports required thereon by the claimant and from any employing unit, and the conduct of hearings and appeals, to be in accordance with rules prescribed by the California Unemployment Insurance Appeals Board.

This bill would require the appeals board to permit a party or representative to participate in a hearing by telephone, as specified, in accordance with regulations adopted by the board.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that

purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1032.5 of the Unemployment Insurance
2 Code is amended to read:
3 1032.5. (a) Any base period employer may, within 15 days
4 after mailing of a notice of computation under *subdivision (a) of*
5 Section 1329, submit to the department facts within its possession
6 disclosing that the individual claiming benefits is rendering services
7 for that employer in less than full-time work, and that the individual
8 has continuously, commencing in or prior to the beginning of the
9 base period, rendered services for that employer in such less than
10 full-time work.
11 (b) The department shall consider facts submitted under
12 subdivision (a) of this section together with any information in its
13 possession and promptly notify the employer of its ruling. If the
14 department finds that an individual is, under Section 1252,
15 unemployed in any week on the basis of his or her having less than
16 full-time work, and that the employer submitting facts under this
17 section is a base period employer for whom the individual has
18 continuously, commencing in or prior to the beginning of the base
19 period, rendered services in such less than full-time work, that
20 employer's account shall not be charged, except as provided by
21 Section 1026, for benefits paid the individual in any week in which
22 such wages are payable by that employer to the individual. The
23 employer may appeal from a ruling or reconsidered ruling to an
24 administrative law judge within 20 days after mailing or personal
25 service of notice of the ruling or reconsidered ruling. The 20-day
26 period may be extended for good cause, which shall include, but
27 not be limited to, mistake, inadvertence, surprise, or excusable
28 neglect. The director shall be an interested party to any appeal.
29 The department may for good cause reconsider any ruling or

1 reconsidered ruling within either five days after an appeal to an
2 administrative law judge is filed or, if no appeal is filed, within 20
3 days after mailing or personal service of the notice of the ruling
4 or reconsidered ruling.

5 SEC. 2. Section 1329 of the Unemployment Insurance Code
6 is amended to read:

7 1329. (a) Upon the filing of a new claim for benefits, the
8 department shall promptly make a computation on the claim ~~which~~
9 *that shall set forth the maximum amount of benefits potentially*
10 *payable during the benefit year, and the weekly benefit amount.*
11 The department shall promptly notify the claimant of the
12 computation. The department shall promptly notify each of the
13 claimant's base period employers of the computation after the
14 payment of the first weekly benefit.

15 (b) *The department shall promptly notify each of the claimant's*
16 *base period employers of the computation on the claim that shall*
17 *set forth the number of weeks that the claimant will be eligible for*
18 *benefits in the benefit year, the weekly benefit amount, and the*
19 *maximum amount of benefits potentially payable during the benefit*
20 *year, based on a determination of eligibility under Article 1.5*
21 *(commencing with Section 1266).*

22 SEC. 3. Section 1951 of the Unemployment Insurance Code
23 is amended to read:

24 1951. The manner in which disputed claims, appeals and
25 petitions shall be presented, the reports required thereon from the
26 claimant and from any employing unit and the conduct of hearings
27 and appeals shall be in accordance with rules prescribed by the
28 appeals board. The appeals board shall require administrative law
29 judges to consolidate for hearing cases with respect to which the
30 alleged facts and the points of law are the same. *The appeals board*
31 *shall permit a party or representative to participate in a hearing*
32 *by telephone upon the party's or representative's request and*
33 *showing a good cause, in accordance with regulations adopted*
34 *by the board.*

35 SEC. 4. This act addresses the fiscal emergency declared by
36 the Governor by proclamation on December 19, 2008, pursuant
37 to subdivision (f) of Section 10 of Article IV of the California
38 Constitution.

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